

1 TOWNSEND AND TOWNSEND AND CREW LLP
GREGORY S. GILCHRIST (State Bar No. 111536)
2 GIA L. CINCONI (State Bar No. 141668)
TIMOTHY R. CAHN (State Bar No. 162136)
3 Two Embarcadero Center, Eighth Floor
San Francisco, California 94111
4 Telephone: (415) 576-0200
Facsimile: (415) 576-0300

5 Attorneys for Plaintiff
6 LEVI STRAUSS & CO.

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 LEVI STRAUSS & CO.,

12 Plaintiff,

13 v.

14 SELF EDGE, *et al.*,

15 Defendants.


Case No. C 07-0245 PJH

**STIPULATION TO FINAL
JUDGMENT AND PERMANENT
INJUNCTION**

16
17 Plaintiff Levi Strauss & Co. and Defendant History Preservation Associates hereby stipulate to
18 the facts and conclusions contained in the attached Final Judgment and Permanent Injunction and
19 consent to its entry by the court.

20 IT IS SO STIPULATED AND CONSENTED.

21 Dated: July 18, 2007


22 Gia L. Cincone
23 Townsend and Townsend and Crew LLP

24 ATTORNEYS FOR PLAINTIFF
LEVI STRAUSS & CO.

25 Dated: May 9, 2007


26 Norman E. Lehrer, P.C.

27 ATTORNEYS FOR DEFENDANT
28 HISTORY PRESERVATION ASSOCIATES

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LEVI STRAUSS & CO.,

Plaintiff,

v.

SELF EDGE, *et al.*,

Defendants.

Case No. C 07-0245 PJH

**[PROPOSED] FINAL JUDGMENT
AND PERMANENT INJUNCTION
AGAINST DEFENDANT HISTORY
PRESERVATION ASSOCIATES**

Plaintiff Levi Strauss & Co. ("LS&CO.") has filed a Complaint alleging trademark infringement, dilution, and unfair competition under federal and California law against defendant History Preservation Associates ("History Preservation Associates"), among others, including Self Edge, Blue In Green, Toyo Enterprise Co., Ltd., Samurai Co., Ltd., Studio d'Artisan International Co., Ltd., BS United, and Works Inc. (collectively "Defendants"). LS&CO. alleges that History Preservation Associates has distributed, promoted, and sold clothing, including denim jeans and jackets manufactured by other Defendants, that violates LS&CO.'s rights in a number of its federally registered trademarks.

The Court now enters final judgment based upon the following undisputed facts. Each party has waived the right to appeal from this final judgment and each party will bear its own fees and costs in connection with this action.

I. FACTS AND CONCLUSIONS

A. This Court has subject matter jurisdiction over this lawsuit and personal jurisdiction over History Preservation Associates. Venue is proper in this Court.

B. LS&CO. owns the following trademarks, which are registered as indicated below.

1 These trademarks are referred to collectively as the "LS&CO. Trademarks."

2 1. The Arcuate Stitching Design Trademark. LS&CO. owns, among others, the
3 following United States and California registrations for its Arcuate trademark as used on a variety of
4 casual apparel:

5 a. U.S. Registration No. 1,139,254 (first used as early as 1873; registered
6 September 2, 1980);

7 b. U.S. Registration No. 404,248 (first used as early as 1873; registered
8 November 16, 1943);

9 c. U.S. Registration No. 2,791,156 (first used as early as September 1,
10 1936; registered December 9, 2003);

11 d. U.S. Registration No. 2,794,649 (first used as early as 1873; registered
12 December 16, 2003);

13 e. California Registration No. 088399 (first used as early as 1873;
14 registered August 24, 1988).

15 2. The Tab Device Trademark. LS&CO. owns, among others, the following
16 United States registrations for its Tab trademark as used on a variety of casual apparel:

17 a. Registration No. 356,701 (first used as early as September 1, 1936;
18 registered May 10, 1938);

19 b. Registration No. 516,561 (first used as early as September 1, 1936;
20 registered October 18, 1949);

21 c. Registration No. 577,490 (first used as early as September 1, 1936;
22 registered July 21, 1953);

23 d. Registration No. 774,625 (first used as early as May 22, 1963; registered
24 August 4, 1964);

25 e. Registration No. 775,412 (first used as early as October 9, 1957;
26 registered August 18, 1964);

27 f. Registration No. 1,157,769 (first used as early as September 1, 1936;
28 registered June 16, 1961);

1 g. Registration No. 2,791,156 (first used as early as September 1, 1936;
2 registered December 9, 2003).

3 3. The Shirt Tab Trademark. LS&CO. owns, among others, the following United
4 States and California registrations for its Shirt Tab trademark as used on shirts and jackets:

5 a. U.S. Registration No. 2,726,253 (first used as early as March 7, 1969;
6 registered June 17, 2003);

7 b. California Registration No. 052312 (first used as early as March 7,
8 1969; registered June 12, 1974).

9 4. The Housemark Design Trademark. LS&CO. owns, among others, the
10 following United States registrations for its Housemark trademark used in connection with a variety of
11 casual apparel:

12 a. Registration No. 849,437 (first used as early as October 10, 1966;
13 registered May 21, 1968);

14 b. Registration No. 1,135,196 (first used as early as April 15, 1975;
15 registered May 13, 1980);

16 c. Registration No. 1,041,846 (first used as early as April 15, 1975;
17 registered June 22, 1976);

18 d. Registration No. 1,122,468 (first used as early as October 22, 1977;
19 registered July 17, 1979);

20 e. Registration No. 1,155,926 (first used as early as December 1970;
21 registered May 26, 1981).

22 5. The Two Horse Design Trademark. LS&CO. owns, among others, the
23 following United States registrations for its Two Horse trademark as used on pants, jeans, shorts,
24 skirts and other bottoms:

25 a. Registration No. 523,665 (first used as early as January 1, 1886;
26 registered April 1, 1950);

27 b. Registration No. 1,140,853 (first used as early as January 1, 1886;
28 registered October 28, 1980).

1 6. The 500 Trademarks. LS&CO. owns, among others, the following United
2 States registrations for its 500 family of trademarks as used on a variety of casual apparel:

3 a. Registration No. 1,552,985 (first used as early as December 31, 1969;
4 registered August 22, 1989) (501®);

5 b. Registration No. 1,313,554 (first used as early as June 27, 1983;
6 registered January 8, 1985) (505®);

7 c. Registration No. 1,319,462 (first used as early as June 27, 1983;
8 registered February 12, 1985) (517®);

9 d. Registration No. 2,503,976 (first used as early as May 1, 1998;
10 registered November 6, 2001) (569®).

11 C. The LS&CO. Trademarks are valid and famous trademarks of LS&CO., and LS&CO.
12 has the exclusive right to use those trademarks throughout the world.

13 D. History Preservation Associates has distributed, promoted, and sold jeans under a
14 number of brand names, including SUGAR CANE and BUZZ RICKSON'S. These jeans have
15 displayed some of the following designs:

16 a. The pocket stitching designs illustrated in Exhibit A;

17 b. The tabs illustrated in Exhibit B;

18 c. The shirt tabs illustrated in Exhibit C;

19 d. The labels and pocket flashers illustrated in Exhibit D;

20 e. The patches illustrated in Exhibit E; and/or

21 f. The numerical designations illustrated in Exhibit F.

22 The designs shown in Exhibits A-F are confusingly similar to the LS&CO. Trademarks, have been
23 used on directly competing products, and are collectively referred to as the "Restricted Designs."

24 **II. PERMANENT INJUNCTION.**

25 It is hereby ordered and adjudged as follows:

26 A. Commencing as of the "So Ordered" date of this Final Judgment and Permanent
27 Injunction, History Preservation Associates, its principals, agents, affiliates, employees, officers,
28 directors, servants, privies, successors, and assigns, and all persons acting in concert or participating

1 with it or under its control who receive actual notice of this Order, are hereby permanently enjoined
2 and restrained, directly or indirectly, from doing, authorizing or procuring any persons to do any of the
3 following:

4 1. Manufacturing, licensing, selling, offering for sale, distributing, importing,
5 exporting, advertising, promoting, or displaying any garments that display the Restricted Designs or
6 any other design that is substantially similar to any of the LS&CO. Trademarks or the Restricted
7 Designs;

8 2. Manufacturing, licensing, selling, offering for sale, distributing, importing,
9 exporting, advertising, promoting, or displaying any garments that display any pocket design, tab,
10 label, hangtag, patch, numerical designation, or any other label, design, or device that may reasonably
11 be believed to be as similar or more similar to any of the LS&CO. Trademarks than the Restricted
12 Designs;

13 3. Assisting, aiding or abetting any person or entity engaging in or performing any
14 act prohibited by this paragraph.

15 C. This Injunction shall apply throughout the world to the fullest extent of this Court's
16 jurisdiction.

17 D. This Court shall retain jurisdiction for the purpose of making any further orders
18 necessary or proper for the construction or modification of this Judgment, the enforcement thereof,
19 and/or the punishment for any violations thereof. In the event of any violation of this Permanent
20 Injunction, History Preservation Associates shall be responsible to pay LS&CO., at a minimum,
21 LS&CO.'s fees and costs associated with this action as against History Preservation Associates, as
22 well as any enforcement or contempt proceedings against History Preservation Associates. For the
23 purpose of any future proceeding to enforce the terms of this Judgment, service by mail upon a party
24 or their counsel of record at their last known address shall be deemed adequate notice for each party.

25 DATED: 7/25/07
26 _____

27 60993144 v1
28

Hon. Phyllis J. Hamilton
United States District Court

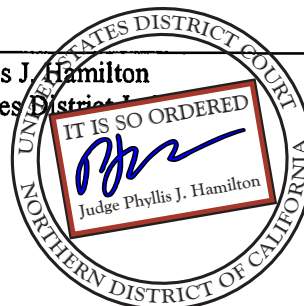


Exhibit A



Exhibit A-1



Exhibit A-2

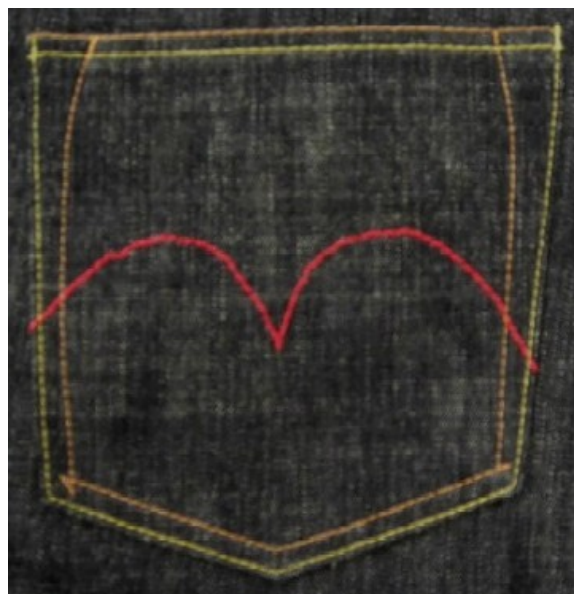


Exhibit A-3



Exhibit A-4

Exhibit B



Exhibit B-1



Exhibit B-2



Exhibit B-3



Exhibit B-4

Exhibit C



Exhibit C-1



Exhibit C-2

Exhibit D



Exhibit D

Exhibit E

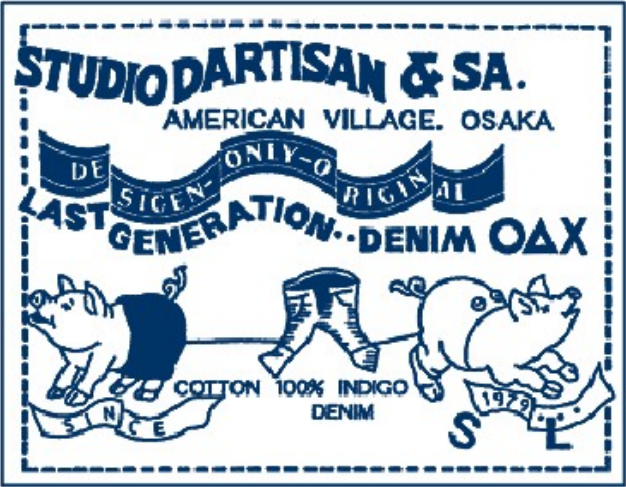


Exhibit E

Exhibit F



Exhibit F-1

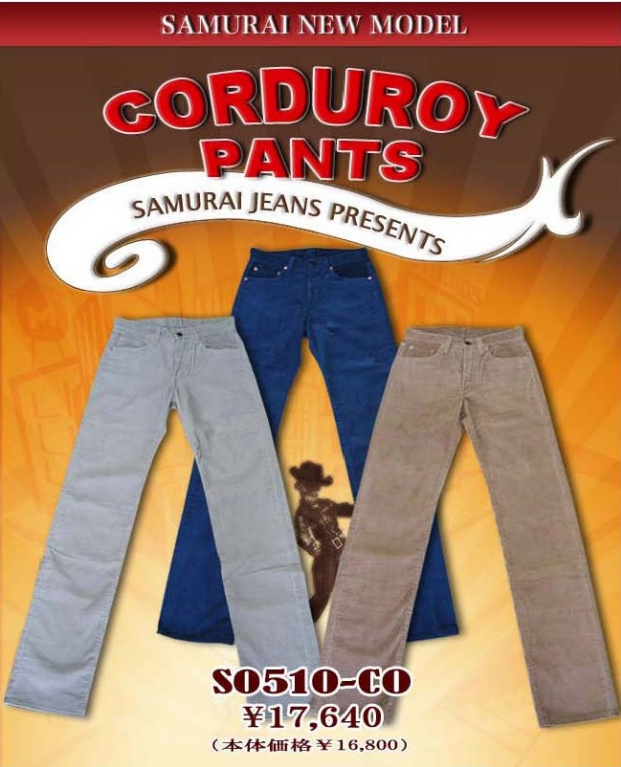


Exhibit F-2



Exhibit F-3



Exhibit F-4

**JOHN BULL John bull
SEWING CHOP
#508BD**



**JOHNBULL
SEWING CHOP
508BD**

The model which from the sixties latter half is made on the basis of the XX of Levi's of seventies first half.

JOHN BULL John bull
SEWING CHOP
#513BD



Exhibit F-6